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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,550	12/02/2004	Jacobus Johannes Chretien Coumans	NL 020466	8388
24737	7590	03/09/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			HINES, ANNE M	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/516,550

Applicant(s)

COUMANS ET AL.

Examiner

Anne M. Hines

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/18/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 5 is objected to because of the following informalities: the phrase "the coating" is unclear because it has no antecedent basis. For the purposes of examining the claim on its merits, the Examiner has treated "the coating" as the "protection against oxidation" of claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meijer (US 3,105,867) (of record) in view of Leroy et al. (US 3,868,277).

Regarding claim 1, Meijer teaches a glass lamp vessel which is closed in a gastight manner (Fig. 1; Column 1, lines 61-67) by means of a seal and which contains an electric element (Fig. 1, 3 & 5; Column 1, lines 61-67), current conductors made of molybdenum and connected to said electric element (Column 1, line 69 to Column 2, line 6), which conductors are partly embedded in the seal and are partly provided with means for protection against oxidation (Column 1, lines 27-30). Meijer fails to teach wherein the materials for protection against oxidation are chromium-manganese, chromium-cobalt, chromium-iron, or chromium-boron alloys. Leroy teaches in the same field of endeavor of oxidation protection materials wherein an oxidation resistant coating

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material is a chromium-cobalt alloy (Column 1, lines 17-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose from one of the materials disclosed by Leroy for the oxidation protection material, since it has been held to be within the general skill of the worker in the art to select a known material on the basis of its suitability for the intended use. See MPEP 2144.07.

Regarding claim 5, Meijer further discloses wherein oxidation protection coating layer has a layer thickness of at least 1  $\mu\text{m}$  and at most 6  $\mu\text{m}$  (Fig. 2; Column 2, lines 1-6 and lines 32-40).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meijer (US 3,105,867) (of record) and Leroy et al. (US 3,868,277) in view of Scruggs (US 3,235,379).

Regarding claims 2 and 3, Meijer and Leroy teach the invention of claim 1 wherein the alloy is a chromium-cobalt alloy. Meijer and Leroy fail to teach wherein the alloy contains 80 to 99 atom percent of chromium, as required by claim 2, and wherein the alloy contains 94 to 96 atom percent of chromium, as required by claim 3. Scruggs teaches a chromium-cobalt alloy with between 10% and 100% of chromium, by weight, (Table 1; Table 2; Column 3, lines 18-21) in order to provide a malleable and ductile chromium-cobalt alloy (Column 1, lines 14-16). Since the atomic weights of chromium (51.996) and cobalt (58.9332) are similar, the Examiner considers the weight percentages of chromium in Scruggs to teach the atom percents of chromium claimed in

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claims 2 and 3. Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Meijer and Leroy to have the chromium-cobalt alloy compositions disclosed by Scruggs in order to provide a malleable and ductile alloy.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meijer (US 3,105,867) (of record) in view of Schneider (US 3,932,198).

Regarding claims 1 and 4, Meijer teaches a glass lamp vessel which is closed in a gastight manner (Fig. 1; Column 1, lines 61-67) by means of a seal and which contains an electric element (Fig. 1, 3 & 5; Column 1, lines 61-67), current conductors made of molybdenum and connected to said electric element (Column 1, line 69 to Column 2, line 6), which conductors are partly embedded in the seal and are partly provided with means for protection against oxidation (Column 1, lines 27-30). Meijer fails to teach wherein the material for protection against oxidation is chromium-manganese. Schneider teaches in the same field of endeavor of oxidation protection materials wherein an oxidation resistant coating material is a chromium-manganese alloy (Column 2, lines 12-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose from one of the materials disclosed by Schneider for the oxidation protection material, since it has been held to be within the general skill of the worker in the art to select a known material on the basis of its suitability for the intended use. See MPEP 2144.07.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Hines whose telephone number is (571) 272-2285. The examiner can normally be reached on Monday through Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anne M Hines  
Patent Examiner  
Art Unit 2879

*AmH*  
*3/3/06*

*msg 3/6/06*  
**MARICELI SANTIAGO**  
**PRIMARY EXAMINER**